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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,327	09/13/1999	YUTAKA SAWAYAMA	48212-CIP	4070
21874	7590	04/01/2004	EXAMINER	
EDWARDS & ANGELL, LLP			PARKER, KENNETH	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2871

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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89/394,327

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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30292004

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Commissioner for Patents

This letter supersedes and replaces the previous office letter of 2/2/2004.

Claims 1 and 34 are linking claims which are allowable. Accordingly, the restriction requirement as to the encompassed groups is hereby withdrawn and claims directed to the groups of II-VII are no longer withdrawn from consideration since claims to these groups depend from or otherwise include each of the limitations of an allowed generic claim. However, claims 49 and 63-65, directed to the groups II and IV respectively remain withdrawn from consideration since they do not depend upon or otherwise include all the limitations of an allowed generic claim as required by 37 CFR 1.141, and claim 66 is dependent upon a withdrawn claim.

In view of the above noted withdrawal of the restriction requirement as to the linked groups, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Accordingly, this application is in condition for allowance except for the presence of claims 49 and 63-66 to an invention non-elected with traverse the paper of 9/4/2002. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Kenneth A Parker
Primary Examiner
Art Unit: 2871